

MINUTES

RIVERTON VILLAGE BOARD

Riverton, IL.

The President and the Board of Trustees of the Village of Riverton held their regular board meeting on December 21, 2009 at the Riverton Village Hall, Riverton, IL.

A truth and taxation hearing was called to order at 6:50 p.m. Those answering roll call: Mayor Todd; Deputy Clerk Graves; Trustees: Bartley, Faires, Rader, Pottier, Raycraft and Black. Also in attendance were Off. Mgr. Viola and Treasurer Laffey. Treasurer Laffey opened the hearing. He stated \$159,975 was being proposed. He asked the public for comments. There were none.

A special zoning and annexation hearing was called to order at 6:50 p.m. to discuss property on Old Rte 36 and Camp Butler Road. Those answering roll call: Mayor Todd; Deputy Clerk Graves; Trustees: Bartley, Faires, Rader, Pottier, Raycraft and Black. Also in attendance were: Supt. Stone, Treasurer Laffey, Off. Mgr. Viola and Atty. Myers. Atty. Myers stated the hearing was an annexation agreement for the annexation and rezoning of Lot 1 and Lot 2 of Angela's acre subdivision which is owned by Mr. Danny Trader. Myers explained, under Village ordinances, when a property is annexed into the Village it automatically comes in at R1. R1 is residential. When a landowner seeks to annex in, if they want assurance of a different zoning classification, they can make an agreement with the Village that when they come in they will have another zoning classification. This is laid out in the Illinois Municipal Code; the statute that governs municipalities. In this case the owner has requested that the property in question be rezoned C2 upon annexation which is a type of commercial zoning. The annexation agreement statute requires a public hearing for any annexation agreement. This means interested members of the public may come forth and be heard with respect pro or con to the annexation agreement. The statute allows all types of agreements with respect to annexed land. One of these agreements allowed is exactly this one; that when the land is annexed, it receives certain zoning. The statute states that if your annexation agreement has zoning features such as this before the annexation agreement is approved; you are required to have a public hearing on the zoning. That hearing is held by the zoning board. Myers stated the zoning board had already held the public hearing on December 16th regarding the rezoning therefore that statutory requirement had been met. Tonight's hearing was on the annexation agreement. It is certainly fair game for the citizens to talk about the zoning if they want to because whether the property is properly zoned C2 is one question; but whether it should be rezoned under an annexation agreement is a separate question. It is certainly legitimate subject for discussion tonight. Myers stated to Mayor Todd that if members of the public wanted to speak, for them to step up to the plate and speak. Mayor Todd stated that Jess Moats was going to speak on behalf of the Rte 36 property.

Jess Moats introduced himself and stated that he appreciated the board listening to him. Mr. Moats stated he was speaking on behalf of Danny Trader, that he's known Danny for 20 years. Everyone knows he's I'm pro growth. With the Silent Rain subdivision going up in Riverton, I believe Riverton is going in the right direction. We are landlocked. We're limited on ground and what we can do. I would like to see Danny annex that property because there are several potential properties over there. I think the potential is good. Don't misunderstand, I'm for every little guy that's working whether it's turning a wrench, which looks like to me on the south end of

Danny's property, that guy is turning a wrench. You've got the pump trucks there, and I hope they're all making a million dollars, but we need to be on the same playing field. If you bring Danny in, I think you'll probably have a good chance with Jimmy Kulek. You have a good chance to bring other stuff in; you have the storage facility at the far end and Coldwell Banker selling commercial property on the other side of the cemetery. If you drive around the area you'll see that there's commercial stuff going on. You have semis down there and pump trucks. J & J are good boys and I'm not bashing good people but the weight of those trucks alone is heavier than any of Danny or Wes' stuff. I'm speaking on behalf of Danny, he's had a business for a long time, he's done very well and he would be an asset to the community. I hope you take that into consideration. Thank you.

Mayor Todd asked if anyone else wanted to speak on behalf or for Rte 36. Mr. Danny Trader spoke and stated he bought the property on Camp Butler Road because it's attached to property he already owns. Mr. Trader presented plans of proposed buildings and landscaping. He also presented pictures of what the property looked like prior to him purchasing it. It was a pigsty; probably not a good word to use but it was terrible with all the garbage. It cost \$12,000 to \$14,000 in dumpster fees alone to haul the garbage off the property. He stated if a building fell down, the previous owners would let grass grow over it. He stated he didn't think they had garbage service. He provided plans showing new landscaping; some existing trees down the side he stated would be left alone and he would tear out ones to accommodate a fence. He stated a chain link fence would be erected around the entire property and that he would be staying 30 or 40 feet back off of Camp Butler Road. The big concern that he's heard from people is regarding pole barns. If you drive up and down Camp Butler Road you can count seven pole barns. The property to the north of us, the owner has horses, which I love horses, I have nothing to say about her horses but she has two pole barns in her back yard plus a shed. Next door to her on the north side is J & J Concrete Pumping; he has a pole barn and four pump trucks that way 54,000 lbs. Next to J & J, the gentleman has a beautiful home and he has a nice pole barn. South of that property there's a pole barn in their yard and the owner is saying she doesn't want to see a pole barn but there's a pole barn in her backyard. If I remember correctly, a few years ago, 8-9 years ago, there's a small engine repair shop there. I'm pretty sure it was called Nydegger. If you drive by there sometime early in the morning you can still see the imprint of the name on the side of it, if there's dew on the building. South of that there's a strip of property the people own a mobile home. For years there were two mobile homes in the back of it. They're not there now and I understand that and they have a beautiful home there. South of that there's a semi. I have pictures of that; it was sitting out front last year for sale. The gentleman still lives there and he's going to retire and I understand that, I'm glad he is because he's worked long enough in his life he's going to sell his semi and he's going to retire. For 60 years this greenhouse had been there and these people have been using this road for commercial vehicles all these years. I don't understand. I spend a lot of money and I buy this place and I clean it up and I've talked to these people and I've done everything they've asked me to do. I even drew up a plan to hide it from the cemetery. I don't want people coming out of the cemetery and looking at this either so we planned to put up a chain link fence across the front with slats in it and plant bushes. We moved the gates to the center so when you're coming out of there you can't actually look right into the property. We want to hide this property, we want to hide the stuff behind it even and we're open to recommendations on what to do with the property. Back in 2007 the people that owned this property before, they tried to have the property homesteaded in. I have the papers where they tried to homestead it in, but they couldn't because it's commercial property. When I went to apply for a demolition permit they sold me a demolition permit for commercial property. Trustee Bartley asked what the two parcels in the county were currently zoned. Mr. Trader stated that one

lot is zoned at D3, the first property, and the other lot, since he tore the building down is R1. Because he did not build the same building that was there before and open up a flower shop, it reverted back to R1. Mr. Trader stated Mrs. Deana O'Dell was part owner; they went in and purchased the property together. Mrs. O'Dell has a trucking company with four tandems which she's going to park on the south side. She also wants to build some buildings. We're trying to make the area better. Mayor Todd stated that as far as the property went, it was his understanding that the trucks were not in and out of the property all day long, and asked what that time frame was. Mr. Trader stated that the trucks would be leaving off and on Rte 36 90% of the time, that they usually leave at 6:00 or 6:30 am and come back around 6:00 pm. They are not in and out all day long. Its just one time in and one time out. Trustee Pottier asked if the fence had to be chain link. Trader stated it did not have to be the only reason he suggested chain link was because his other property had been broken into twice. They cut through the fence. A wooden fence or privacy fence all they have to do is pull out a few slats and go in. Pottier asked what the the building was going to be used for. Trader stated the building that he wanted to build was to to store his trailers. He has trailers with piles of stacked wood sitting outside and wood doesn't do well outside when the weather hits. Trustee Faires asked when Mr. Trader purchased the property. Trader responded that he thought he purchased the property in 2007. Faires asked if at the end of 2007 if the property was zoned commercial. Trader replied that it was at that time. Trustee Black asked what type of taxes were being paid. Trader stated he didn't know if was commercial taxes or not, but that he was paying about \$1,700 a year. Trader mentioned he didn't understand why people were complaining so much now. He went in and cleaned the place up. He didn't understand why those people didn't complain to Sangamon County a long time ago about the trucks on each side and the way the property looked for 20 years. He didn't understand why now that he bought it and cleaned it up why they're stopping him from moving his business into it. Mayor Todd asked if the rumor were true about a concrete plant being set up there too. Trader stated people have misunderstood what was going to be built on the property. A rumor about a ready mix plant with loud noises all day long upsetting the cemetery with ready mix trucks in and out of there all day long was just a rumor. He stated it was not feasible to put a ready mix plant there, the lot is too small and it would require a half million dollars to build it. Trustee Bartley asked if Trader was using the property for a parking lot for his trucks. Trader stated that on Rte 36 it was a parking lot for the trucks, he just wanted to expand his business in the back. He stated his business was growing and he was growing out of room where he's at. Trustee Rader asked if they two buildings on the plans were already there or were they to be built. Trader stated the building were to be built. Nothing has been built yet, they will be new buildings. Mayor Todd asked if any other speakers wanted to come forth.

Jeanine Nydegger spoke next. Mrs. Nydegger stated she owned the property directly south of the proposed annexation of lot 1. This lot was the only lot she was interested in and the only one she was there to talk about. She stated she was there to speak in opposition of rezoning this property. She has lived on her property since 1992 and she intends to live there for a very long time. Mrs. Nydegger stated the property was a greenhouse for over 60 years and the people that ran the greenhouse were in their 80's. The greenhouse was in terrible condition. She stated the neighborhood tolerated the condition because they knew the couple could not clean it up. The property was so far gone, and the people were so old and so frail that there was just no cleaning it up. The neighborhood quietly tolerated it. It was well hidden by grown up foliage, and they were still running their business out of there so what could they say. When the couple sold the property they sold it to another couple that tried to run a greenhouse. It didn't work out, and in early 2008 they decided they were going to sell the property. It was not 2007, it was 2008. The couple told me what they wanted to do and I was not in agreement with what they wanted to do. I

understood their business wasn't working but I didn't agree with having the property rezoned and they wanted it rezoned. It was brought before Sangamon County to get rezoned and it was denied. It was denied not only once, but it was denied twice before the entire county board. We submitted petitions; there were 15 neighbors, 15 property owners. I submitted 13 signed petitions that were against the rezoning of this property. I submitted those on behalf of neighbors. I kept in contact with my neighbors and we tried to negotiate things but the only thing we found that was negotiable, Pam & I, Pam Blankenship who owns the property to the north; the only thing we found that was negotiable was where the buildings were going to be placed on the property. The fencing wasn't negotiable, it was already bought. The property was already bought. All of this, all of the petitions and testimony before the Sangamon County board was an issue before the property was sold. Nydegger stated that Mr. Trader knew there were zoning issues before he ever bought the property but he bought it anyway. She was against the rezoning before he bought the property and she's still against it after. Mr. Trader made a comment about the south side of the property where there's a guy turning a wrench; my husband. My husband is chief of police in New Berlin, he does wrench work so to speak as a hobby, but he does not have a business. He fixes friends' cars and he's working on a county car right now as a volunteer, but he does not have a business. His business is chief of police of New Berlin, Illinois. He does not turn a wrench; he does not have a business. J & J pumper trucks were mentioned. We looked into that property when this initial zoning issue came up and we do believe that the property is zoned agricultural and the pumper trucks are there against county ordinance. I know Pam was going to look further into that being zoned agricultural. He can have a big agricultural type piece of equipment there but not 4 or 5 pumper trucks. He's probably in violation of county ordinance. There was strong opposition, that's all I can say as far as the neighborhood of rezoning this property. I have no intention of leaving, and I'm opposed to having the one piece of property annexed in and the zoning changed. Trustee Faires asked Mrs. Nydegger if her husband had ever received any type of compensation for working on vehicles in his garage. Nydegger replied that he may have received money for parts, with the labor being paid for by providing him with a 12 pack of beer. She stated he had received compensation but it was not a business, they don't advertise. It's mainly friends' and family's vehicles. Trustee Faires asked what the wind sock in her backyard was for. Mrs. Nydegger stated that her husband was a helicopter pilot. Faires asked if her husband ever landed the helicopter in their backyard. Nydegger responded that he did occasionally. Trustee Faires asked Mrs. Blankenship if the helicopter ever spooked her horses. Blankenship stated that she honestly had never seen the helicopter. Nydegger stated that he landed in the backyard maybe twice a year, that he's commercially rated, but he doesn't work as a helicopter pilot, it was just a life dream. Trustee Faires stated that he was in aviation himself and when he saw the windsock back there, he wondered why anyone would have an aviation windsock in their backyard. He realized one of the concerns of the neighbors was noise upsetting the horses but then he realized there were helicopters landing there. Nydegger explained that she was concerned about being dropped in the middle of commercial buildings. A piece of property that went commercial behind her, which she was not properly notified of, notification went to a Jeanine Smith in Cantrall therefore she could not fight it. Trustee Faires asked if she could tell him how long the pumper trucks had been established there. Nydegger responded that she really couldn't say, as long as she'd lived there. Trustee Faires asked what the county said when she presented them with a petition against them. Nydegger replied that she hadn't, she was not fighting that issue. She stated she will support the issue if Mrs. Blankenship chooses to fight it. She stated the pumper trucks stay under the radar. They would not sign the petition to support her probably because they know they are in violation. Atty. Myers stated that there were two ordinances. One ordinance approves the annexation agreement, which Mr. Trader has already signed. The 2nd ordinance which would pass after the first ordinance, is the ordinance that if

adopted would rezone and annex the property. The first ordinance is an agreement to do the second ordinance. This sounds odd but that's the way it has to be done by statute. Trustee Pottier asked if there were any other comments on the Rte 36 property. Jess Moats handed out a supervisor of assessments statement from 2007 from the previous owners attempting to apply for homestead exemption, the statement read "the above referenced parcel is identified as a commercial property during an internal audit of our records done 7/11/07. Homestead exemptions do not apply to commercial properties. In order for a property to qualify for homestead exemption the property may not have any commercial use. Moats stated the property was obviously commercial at that point.

Pam Blankenship spoke in opposition of the Rte 36 annexation. Blankenship stated she lived directly to the north of the property in question. She believed even though the greenhouse was there, when they sold the property it reverted back to R1. She stated it was obviously the reason why Mr. Trader was going for the rezoning. She stated the property is R1 now and Mr. Trader purchased the property knowing that it was R1. Her concern is: once the property is zoned commercial, it's always commercial. Mr. Trader may have good intentions with his business and he might want to work with the neighbors, build a Morton building and put up a fence and keep it nice and neat; but our concern is what could happen with the property down the road. Mr. Trader can make lots of promises now but that could fall by the wayside once the property is rezoned and annexed. Blankenship presented photos of Mr. Trader's current property and stated that she was pretty sure no one on the board would want that as a neighbor, she certainly did not. Blankenship stated when she moved in 2002 she liked the area because it was close enough to Springfield yet had a country feel. With the cemetery across the street that looked like a park, she realized she knew she wouldn't be living in the middle of a subdivision but she certainly didn't think she would be living in the middle of an industrial park. Mrs. Blankenship stated there were no other commercial properties on south Camp Butler Road and she wanted to leave it that way. She stated she was concerned about her property values decreasing. The real estate market isn't the best; the thought of her property value going down further certainly wasn't appealing to her. She asked if it was of so much value either to Mr. Trader or the Village of Riverton, why hadn't he asked to be annexed before. Blankenship stated that when the zoning commission met last week they had a series of questions they posed to themselves and they agreed unanimously that it really didn't add any value to Riverton. We don't want concrete trucks, dump trucks, more noise in our area or more traffic on the road. She stated she didn't think the road could handle much more traffic. She stated her quality of life and her property values come into question. If the property is rezoned commercial and Danny retires or Mr. O'Dell retires it could become a junkyard. Who knows what it could become once its zoned commercial but they won't have any control and frankly they won't care once the property is sold, but the residents will still be there to live with it. Trustee Faires asked when the zoning change took place. Mrs. Nydegger stated the minute they tore down the greenhouse it reverted to R1. She stated a person could continue a greenhouse business on that property but you couldn't take that greenhouse and make it into a coffee shop. Once the greenhouse was gone, it became R1.

Jim Good of County Board District 8 stated the county gives use variances rather than change zoning. If a property owner were to go to the board, rather than change the zoning to commercial they would give a use variance to allow you to run a flower shop as long as you own the property but if you discontinue the business for two years or sell the property, the property reverts back to what it was originally zoned. Blankenship reiterated that south Camp Butler was all residential, and Rte 36 was all commercial and she wanted to keep it that way. Mayor Todd closed the public hearing at 7:32 p.m. to open up the regular board meeting.

The regular board meeting was called to order at 7:32 p.m. Those answering roll call: Mayor Todd; Deputy Clerk Graves; Trustees: Bartley, Faires, Rader, Pottier, Raycraft and Black. Also in attendance were: Supt. Stone, Treasurer Laffey, Atty. Myers, Off. Mgr. Viola and Chief Smith. Guests included: Mark and Kristin Yoggerst, Candy Lamkey and Don Scott.

Trustee Bartley made a motion to accept the minutes and pay the bills. It was seconded by Trustee Pottier. Trustees Black, Raycraft, Pottier, Bartley, Faires and Rader voted yes.

Kristin Yoggerst asked to speak in regards to the property on 7th Street. She moved to Riverton 4 years ago because of the small town. She fell in love with the town. When she began hearing all this was going on with rezoning, there were a few questions that she had that may not ever be answered but would make her feel better by asking. She didn't understand the whole concept of bringing a bigger and better Dollar General to Riverton. She stated one of Riverton's finest qualities was its small town simplicity. She believes there are several businesses that suffice the population's needs such as the bank, a small grocery store and a few eating establishments. Her question to the board is why we need this. She stated most folks live here because of the simplicity but when you add the talk of larger stores and potentially fast food chains such as Dairy Queen, something get taken away. The larger Dollar General store is being placed in a position that will allow these things to happen. It was mentioned at a previous meeting that McDonald's was talked to but declined due to the insufficient size of the lot. My second issue is consistency. This topic was brought up in the last town meeting discussion. The question was, is this consistent with what Riverton is trying to do? Changing a property to be zoned commercial that is surrounded on 3 sides by residential homes doesn't seem consistent. In her opinion that is disrupting the growth of the subdivisions and neighborhoods. A decrease by 10-15,000 will cause people to want to get out of town and put their homes up for sale and move elsewhere. This decrease in property value will not only affect the 8 homes directly adjacent to the property but it will have a trickle effect to the values of the homes in Silent Rain, Riviera and the other neighboring streets. If growth is the goal, businesses generally promote growth on the outskirts of town not in the middle of a property that was clearly meant for residential. The sales tax is great, but it's not creating more, that is something we already have from the current store. People's income is tight and making more room for isles, carts and parking is not going to promote people to shop any more than they already do at the current store. Jobs are also not being created; they're just simply being transferred. She asked that the board please consider how they would feel if this was going in their backyard. Springfield is 5 minutes away let's let them get bigger and better and leave Riverton's small town simplicity, consistency and potential population growth alone.

Candy Lamkey spoke regarding the 7th Street property. Mrs. Lamkey stated she and her husband have lived in Riverton for 26 years, have always been community minded people and have served endless hours volunteering at sporting events, school events and Riverfest. She stated she loved the community. For 20 years she lived in a small home, but 5 years ago she moved to the house directly north of the property in question. She stated she has worked hard for the last 3 years to make her home the dream home that she always wanted. She knew when she moved into that home that it was existing commercial across the street but when she steps into her backyard, with her two acres and two open lots next door it feels like she's out in the country. That is why she chose that home. She stated when her husband Ron's dear mother passed away two years ago they could have moved out to her farm, but that would've put her children in a different school district and she chose not to because they'd worked so hard on their home making it their own.

Making it the home they wanted to retire in, where they wanted to raise their kids. She stated it was very upsetting, very infuriating. She stated she went to the zoning board meeting and she played it safe, she settled for a privacy fence. She came out of that meeting and was so mad at herself that she didn't stand up and say "I don't want this." She stated she called her father and he said she settled and that he didn't raise her that way. He raised her to fight injustices in the world and fight for what she believed in and to fight for her property. She stated she was fighting for her family, her property, and that she doesn't want her property value to go down. She stated she won't be able to sell her house, that no one would want to live 10 feet away from Dollar General. She provided a petition and stated that everybody that signed the petition asked the same question, why we need a bigger Dollar General. Lamkey stated she has a lot of friends and family in this town and they won't be shopping at the store. If this were happening to the board members, they wouldn't want a Dollar General next door. Mrs. Lamkey stated she worked at Memorial and that she was always talking to people coming into the area, moving to the area, and she would always tell them to move to Riverton because it's a great school district, a great community, people are really friendly, it's just a great small town. When things like this happen it makes her feel like she doesn't want to live here. If an injustice like this can happen, it's very frustrating. Lamkey stated she strongly opposed, she doesn't want it, and we don't need it. She stated she talked to the Joe Reed, the district manager of the Lincoln Land FS and that he is strongly opposed to it as well. If McDonald's or Dairy Queen moves into town, there are established businesses that are also going to be hurt. This will hurt our residents, hurt our other businesses and there's no need for it.

Don Scott spoke next in favor of Dollar General. Scott stated when Dollar General came to this community and looked for a place that would correctly fit the comprehensive plan of Riverton, there was a lot of discussion on different places and their comment was that if it wasn't 7th Street, then it wouldn't come. As far as Dollar General sales, he could not project what they do but Dollar General is saying there will be 19 total jobs available and they will double or exceed their current revenue. It makes common sense if they go from a 3,000 sq ft store to a 9,000 sq ft store that they could not financially do that if they didn't double their sales. Scott stated he did not want any hard feelings but he didn't know where else it fit. It fits there; they're not going to go somewhere else. Scott stated he thought everything was ironed out at the zoning meeting, he committed to a fence, had that put in the ordinance. Scott and Supt. Stone worked hard to get that part done and he would be more than happy to hear any other concern that would make sense, but this is about growth and its going to come. He stated there's a community that does not have a McDonald's or a Dairy Queen and he cannot believe that people wouldn't welcome that and want what comes with that. Trustee Bartley posed a question to Jess Moats because he is trying to sell lots in Silent Rain and has a lot of empty lots that haven't been sold yet and asked what impact he thought it would have on him selling lots there or what impact he thought it would have on the house values that you has now. Jess Moats stated that his job was construction, and they were the lowest of the food chain. He stated it what it amounted to was that if he was busy the economy is good. There does have to be growth in the town. Without growth Riverton will shrivel up. Riverton is not growing real strong, but he did state that last week Remax had 72 hits on the virtual tour of his two story home in Silent Rain in one week. People want to come to Riverton. Trustee Pottier stated there were ten issues listed here and he wanted to see if they could discuss how the Dollar General folks would address the ten issues here.

1) Increased traffic congestion. Don Scott stated there would not be one extra car. The traffic count states that 7th Street is one of the busiest they've ever seen. They rated Riverton an 89 out of 100 for that specific place to put the Dollar General and that was based on the traffic count. It was one of the largest they had ever seen in a small town. That street is extremely busy.

2) Noise Disturbance. Don Scott noted the noise ordinance. Issues the Village could put in place to stop it. 3) Pest Control. Scott stated if those issues were to happen, the village would need to raise the cost of the fines to which point they don't want to pay it anymore. Those issues won't happen if the fines are being cited. 4) Loitering. Loitering would be a police department issue. The no loitering signs are part of Dollar General; the reason they do that is for the liability issue. 5) Invasion of Privacy. 6) Decreased Property Values. Mrs. Lamkey stated another point she didn't get to make was the time constraint. She didn't understand why she only got two weeks notice to find out that her life and her property and her dreams were all going to come to an end. 7) Increased littering. 8) Bothersome Illumination from Lights. 9) Safety Hazards. 10) Foot Traffic. Don Scott stated he didn't see how there would be increased foot traffic. Ron Wampler stated that his backyard backs up to the property also and he already has kids cut through his yard to go to the Dollar General. Wampler was concerned about criminal problems and damage to his property from trespassers. Wampler stated he use to work for a company that required me him to go in every Dollar General in central Illinois. He stated when he finished stocking shelves with the product he was delivering that he had to carry the cardboard to the dumpster and he had been chased out by rodents. He stated the dumpsters also smell. Trustee Rader stated that over half of the concerns were not going to be affected by moving the store from one spot to another with nothing going into the old store, that it was basically the same thing. And as far as increased traffic, there are no more cars going down the road than they already do right now. If the store is only going to be 500 ft down the road, it's not going to increase one way or the other. As far as kids trespassing through the yards, if they do it now, they will do it then. Trustee Black stated she disagreed with Trustee Rader. Trustee Rader stated that he has kids trespassing through his yard all the time and there isn't a store around. Trustee Black stated with the current Dollar General, there are no houses around it; it sits back up against the radio station, so these people that are going to live around it are going to be affected. The Denny property was discussed because it is currently right next to the Dollar General. Mrs. Lamkey stated the board was in favor of the rezoning because of the money, because of the revenue. She stated she was a hardworking taxpayer, that she has been in the community a long time and if the board voted yes they would be saying that the people who voted them in didn't matter. She stated the board was there to represent the people and do what was best in their behalf and this is not in their best interest. Atty. Myers asked for the zoning of the adjacent parcels. Don Scott stated it was directly across the street from Lincolnland FS. Myers stated the reason for the question was because a few years ago there was a case where Casey's wanted to build but there was residential on all sides. There was no commercial for 1000 ft and the folks in that one took them to court and they lost. Myers wanted to assure he was not being presented with a case he knew he would lose.

Trustee Rader stated a change order was needed to put in additional footage for pipes on taps in three locations. He stated the change order needed to be passed at tonight's meeting. Along with that, the reduction of 10% retainage in the contract to 5%. 5% would take care of covering the holes where the dewatering system took and re-landscaping the ditches. Trustee Bartley asked if this could be done as two separate votes.

Trustee Rader made a motion to approve the change order for extensions to be done by Petersburg Plumbing & Heating for the Washington Street sewer project. It was seconded by Trustee Pottier. Trustees Black, Raycraft, Pottier, Bartley, Faires and Rader voted yes.

Trustee Rader made a motion for the reduction in retainage from 10% to 5%. It was seconded by Trustee Black. Trustees Black, Raycraft, Pottier, Bartley, Faires and Rader voted yes. Trustee Rader stated Petersburg Plumbing & Heating was done with the exception of landscaping and one

curb. Trustee Faires asked why they wanted a change to 5%. Trustee Bartley stated the total amount of retainage they have is \$29,000 and they're asking for that to be reduced down to \$14,700. The remaining projects they have left are less than \$14,700. The board, in the past, has reduced retainage to match the remaining amount of the project.

Supt. Stone stated E.L. Pruitt had been working at the water plant almost everyday. The drain holes had been cut out and the forms had been poured. They were waiting to cut the overhead door in until the door came in so it would not be a security problem. He stated George Alarm was supposed to have been out Friday to move the alarms. The job was progressing well. Stone stated he met with Mike Keebler Thursday and that Keebler is either going to come out once a week or when the Village calls him.

Next on the agenda was the 7th St rezoning issue to be considered. Supt. Stone stated the zoning board had a meeting on December 16th and it was decided by a 4-2 vote to approve rezoning. Stone stated it was conditional zoning. Trustee Pottier asked about the 8 ft fence and if there were any state laws on fencing. Stone stated not that he was aware of; the Village fence ordinance would be followed. The conditions were agreed to at the zoning board meeting. Atty. Myers would amend the ordinance to say prior to any building permit being issued a solid 8 ft board fence would be erected along the entire length of the north, south and west property lines, and trees shall be replaced with trees of similar size and type, only if they're damaged on the north side of the property. Supt. Stone stated he had spoke with Don Scott and the Village will have access to the easement through his property. Stone stated the problem with the easement was not accessing it. The problem was getting down it because of the fences and sheds that were already put on it. Trustee Rader stated the easement would need to be cleaned out and sheds, fences and trees would need to be removed so the village could get through there. Homeowners would be instructed to remove the sheds and get them out of there. Rader stated the easement had been cleared twice now. If it were cleared out, it could be accessed from 3rd ST.

Trustee Pottier made a motion to adopt Ordinance #09-037 rezoning the property on 7th Street currently known as the Scott property to commercial and allow for a Dollar General store as amended. It was seconded by Trustee Raycraft. Trustees Pottier, Bartley, Faires, Raycraft and Rader voted yes. Trustee Black voted no. Trustee Pottier stated it was a tough decision but he felt it was in the best interest of the Village. The start date of the Dollar General project is undetermined at this time.

Next on the agenda was the Rte 36 and Camp Butler Road annexation to be considered. Supt. Stone stated that on December 16th the zoning board held a meeting on the property. The zoning board voted 6-0 not to rezone it. Atty. Myers stated they first needed a motion to approve the annexation agreement, then a motion to adopt the ordinance approving the annexation agreement. If the annexation agreement passed they would then need a motion to approve the second ordinance that actually annexes and rezones the property.

Trustee Faires made a motion to adopt Ordinance #09-038 an annexation agreement on the Rte 36 and Camp Butler Road property. It was seconded by Trustee Raycraft. Mayor Todd and Trustees Pottier, Raycraft, Bartley, Faires and Rader voted yes. Trustee Black voted no.

Trustee Faires made a motion to adopt Ordinance #09-039 annexing and rezoning the property on Rte 36 and Camp Butler Road. It was seconded by Trustee Rader. Trustees Pottier, Raycraft, Bartley, Faires and Rader voted yes. Trustee Black voted no.

Treasurer Laffey stated the tax levy ordinance amounts were correct, and the appropriated amounts for the items levied were correct but he still needed to amend some of the other appropriated amounts that were not affected by the levy. Atty. Myers explained that the statute requires you show the appropriation line items that you're levying against. The appropriation ordinance was adopted earlier this year and with respect to a couple of the funds they still need to insert the appropriated amounts into the proper places in the tax levy but it does not affect the levy. Myers stated the motion would be to adopt the tax ordinance levy as presented with an amendment as to the proprietary funds to amend the appropriated amounts as shown on that ordinance with the numbers from the current appropriation ordinance.

Trustee Rader made a motion to adopt the tax levy Ordinance #09-040 as presented with an amendment as to the proprietary funds to amend the appropriated amounts as shown on that ordinance with the numbers from the current appropriation ordinance. It was seconded by Trustee Faires. Trustees Black, Pottier, Raycraft, Bartley, Faires and Rader voted yes.

Supt. Stone gave the Board a copy of his written report (see attached). Trustee Pottier stated he hoped Supt. Stone enjoyed the rest of his vacation and that he appreciated him attending the meeting tonight. Mayor Todd thanked him as well.

Chief Smith gave the Board a copy of his written report (see attached). Chief Smith thanked Joe Bartley for helping out with the shopping for Christmas with Santa at the Village. Trustee Faires mentioned a letter of appreciation from the Rochester Police Dept. commending two Village officers; Officer Lawley & Officer Landgrebe. The two officers performed excellent police work assisting Rochester Police Dept. solve five car burglaries and recover numerous stolen items. Trustee Faires wanted to give these two officers a public applause stating it was nice to get letters regarding how good Village cops are doing. Chief Smith brought up Officer Sutton and his completion of taser training. Trustee Faires made a motion to authorize Chief Smith to purchase another taser for the Police Department out of the asset forfeiture fund. It was seconded by Trustee Pottier. Trustees Pottier, Raycraft, Bartley, Faires and Rader voted yes. Trustee Black voted no. Chief Smith stated he spoke with Joe Reed, the manager of the Fast Stop, and asked about possibly obtaining an additional credit card for officers to keep in the squad car to use during late night shifts to obtain fuel. Smith stated Joe took it an extra step and came in and handed him two new credit cards, he didn't order them but thanked him. Smith stated he wanted to assign the cards to a squad car but he wanted the board's approval before he assigned them. Smith stated the policy now is the card is in the office, the officer has to come in and get it, fuel up and bring the card back. Smith stated there was a recent situation where an officer took the card home and wasn't scheduled to come back for 4 days and he had to be called and told to get the card back. Smith stated he was hoping to come up with a practice that the card would be maintained in the glove compartment and it would stay in the glove compartment of the car. The card would not be taken home or used for any other thing other than fuel down at the FS. Mayor Todd asked if the cards required a PIN. Smith stated that yes, they did. Trustee Faires suggested that if Smith were going to do this they would need to add it to their equipment list that they check off when they start their shifts.

Off. Mgr. Viola stated the office copier needs to be replaced. Viola had hoped to wait until the next budget. We're not going to be able to because it keeps jamming, the parts are wearing out, I'm calling CDS at least once a month to come out and unjam the machine. We do have a maintenance contract with them. The last time they came out, they told me that the maintenance

contract will be cancelled so we will have no other alternative than to replace the copier. I contacted CDS and RK Dixon for bids. We've had the copier 8 years, it's worn out, and they don't have parts for it anymore unless they can find a junk one. Mayor Todd asked how they could just automatically cancel a maintenance contract, if there was a reason, and if there was a refund of any type on the remainder of the contract. Off. Mgr. Viola stated that would have to look at the contract. Viola stated the board budgeted \$60,000 to be transferred into IMRF by the end of the year. She contacted Corey Lockwood at IMRF and the Village currently has a balance of \$26,156.46 in the retirement fund. Trustee Bartley made a motion to transfer \$60,000 to IMRF. It was seconded by Trustee Rader. Trustees Pottier, Black, Raycraft, Bartley, Faires and Rader voted yes.

Treasurer Laffey stated he would have the tax levy ordinance amended by the following morning.

Pottier stated he wanted to publicly thank members of the community who donated to the tree program that he's hosted over the last several years. He thanked the Tranquilli family, the Moats family, the Raycraft family, the Hamende family, the Jesberg family, the Knowski family, Ann Robb in memory of Bob Robb, the Collebrusco family, Connie Blissett, Ron Williams, the Remmers' and the Pottiers.

Trustee Faires stated he wanted to mention the new Freedom of Information Act changes. The current labor agreement states the Village can hold any kind of reprimand written or verbal in the personnel file according to their contract for one year. According to the new law those are going to have to be held for 4 years. He stated he had already emailed Brad Schaive and that he would have an update at the next meeting as to how they were going to deal with it. Chief Smith stated John Myers gave him an update on that tonight and that it was half correct. The new law states they can held for up to 4 years, but not required.

Trustee Rader stated there are two pumps at the main lift station. Every pump down there has been rebuilt. The pumps can only be rebuilt once, so they've all had their one time rebuild. The metal gets so thin from pumping sand and dirt and that is the reason they can only be rebuilt once. They put in the last rebuild Thursday and while they were doing that pump #5 started leaking. There is \$35,000 in the depreciation fund and they will have to come up with the rest of the money out of the electric and gas funds. Trustee Rader made a motion to purchase two new pumps for the main lift station. It was seconded by Trustee Faires. Trustees Pottier, Black, Raycraft, Bartley, Faires and Rader voted yes. Trustee Rader stated he had one more thing to say, it was not good news, but it was fair news. He personally thanked everybody for the past year and all the support they've given him and the understanding with his illness that he's limited. He informed the board he had to go back into treatment as of January and go through another two months. There would be times that he would not be able to be around but just in case everyone would know that he was going through another one and he appreciated the support and thanked everybody. Mayor Todd stated the board would work with him and help him with whatever he needed. Trustee Pottier stated he would publicly say his prayers were with him. Trustee Bartley wished him luck.

Trustee Raycraft stated Bobby Raycraft's Santa House project was complete and in the IGA parking lot. Raycraft thanked Supt. Stone and the Village employees for their hard work, especially Rick Vice for help getting it finished once it was moved. Raycraft thanked the board for their support.

